

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-00344-FL**

BENJAMIN LOCKE,

Plaintiff,
v.

NORTH CAROLINA STATE
UNIVERSITY; WILLIAM R.
WOODSON, in his official capacity;
DEBORAH A. YOW, in her official
capacity; LESTER S. CLINKSCALES, in his
official capacity; and ROBERT M.
MURPHY, JR., in his official and individual
capacities,

Defendants.

**DEFENDANT NORTH CAROLINA
STATE UNIVERSITY'S
MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT**

**Fed. R. Civ. P. 12(b)(1)
Fed. R. Civ. P. 12(b)(2)
Fed. R. Civ. P. 12(b)(6)**

Pursuant to Rules 12(b)(1), (b)(2) and (b)(6) of the Federal Rules of Civil Procedure, Defendant North Carolina State University ("NC State") respectfully moves the Court for an order dismissing the claims against it in the above-captioned action for lack of jurisdiction due to sovereign immunity and for failure to state a claim upon which relief may be granted. In support of this Motion, NC State relies on the accompanying memorandum. For the reasons discussed more fully therein, NC State respectfully requests that all claims against it by Plaintiff Locke be dismissed.

Respectfully submitted, this the 29th day of August, 2025.

ELLIS & WINTERS LLP

/s/ Alex J. Hagan

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